

LAW OFFICES OF DALE K. GALIPO

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DOROTHEY HEIMBACH,
individually and as successor in
interest to Anthony Silva,

Plaintiff,

vs.

STANISLAUS COUNTY; and
JUSTIN CAMARA, ZA XIONG, and
ERIC BAVARO, in their individual
capacities,

Defendants.

Case No. 2:23-CV-01887-DJC-CSK

Judge: Hon. Daniel J. Calabretta

Magistrate Judge: Chi Soo Kim

**PLAINTIFFS' UNOPPOSED
REQUEST TO APPEAR REMOTELY
AT THE DECEMBER 10, 2024
HEARING ON PLAINTIFF'S
MOTION TO COMPEL**

**[Filed concurrently with [Proposed]
Order]**

Date: December 10, 2024

Time: 10:00 a.m.

Dept.: 25

**TO THE ABOVE –ENTITLED COURT AND TO ALL PARTIES AND
THEIR ATTORNEYS OF RECORD:**

Counsel for Plaintiff Dorothea Heimbach, hereby respectfully requests that attorney Cooper Alison-Mayne, be allowed to appear by Zoom or telephonically (or other remote web conference platform) at the hearing on the Plaintiff's Motion to Compel Hearing currently scheduled for December 10, 2024 at 10:00 a.m.

1 Plaintiff's counsel acknowledges that the Court notes in its Standing Order
2 that it disfavors remote appearances and apologizes for any inconvenience this
3 request may cause. Plaintiff's counsel further acknowledges that the Court requires
4 a request to appear remotely at least ten (10) days prior to the date of the hearing at
5 which a remote appearance is requested, and submits that good cause exists for
6 filing this request within ten days of the hearing for the reasons set forth below.
7 Plaintiff's counsel further submits that good cause exists to permit Plaintiff's
8 counsel to appear remotely at the hearing on Plaintiff's Motion to Compel for the
9 following reasons:

- 10 1. Both Plaintiff's Lead Trial Counsel Dale K. Galipo and Attorney Cooper
11 Alison-Mayne began trial in the matter of *Sesma, et al. v. State of California,*
12 *et al.* (Case No. 5:21-cv-01694-JWH-DTB), on December 2, 2024. The trial
13 is being held before Honorable Judge Holcomb at the United States
14 Courthouse in Santa Ana, California;
- 15 2. At the time of filing Plaintiff's Motion to Compel and noticing the
16 December 10, 2024 hearing date, Plaintiff's Counsel expected in good faith
17 that the aforementioned trial would be concluded, it is now apparent, only
18 after having begun the trial on December 2, 2024, that the trial will not be
19 concluded by December 10, 2024;
- 20 3. Plaintiff's counsel will experience undue hardship if required to travel from
21 Santa Ana to Sacramento to participate in-person for the hearing on
22 Plaintiff's Motion to Compel and would potentially need to travel to
23 Sacramento the night prior to the hearing in order to timely arrive for the
24 10:00 a.m. appearance, thereby incurring a substantial increase in litigation
25 costs;
- 26 4. Prior to filing the instant request, Plaintiff's counsel contacted counsel for
27 Defendants, who advised that Defendants do not oppose the instant request
28

1 to appear remotely.

2 For the foregoing reasons, and to avoid unnecessarily continuing the hearing
3 date as noticed and calendared, Plaintiff's Counsel respectfully requests that the
4 Court permit Attorney Cooper Alison-Mayne to appear remotely at hearing on
5 Plaintiff's Motion to Compel, calendared for December 10, 2024.

6 DATED: December 3, 2024

7 **LAW OFFICES OF DALE K. GALIPO**

8 By: /s/Cooper Alison-Mayne

9 Dale K. Galipo

10 Cooper Alison-Mayne

11 *Attorneys for Plaintiffs*
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